



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Office of the Director
Group 3600

Paper No. 6

In re application of : **DECISION ON PETITION**
Marvin Byrd : **TO MAKE SPECIAL**
Application No. 10/050,393 :
Filed: January 16, 2002 :
For: COMPANION RIDER WHEEL CHAIR :

This is a decision on the petition under 37 C.F.R §1.102(d) to make the above-identified application special that was filed on January 16, 2002. The delay in treating this petition is sincerely regretted.

The petition requests that the above-identified application be made special for the reason that a search of the prior art was made and the value the invention provides in terms of health and safety.

MPEP 708.02 provides for numerous grounds under which an application may be made special. It is not clear as to which ground the applicant is attempting to satisfy in order to have the application be made special. None of these grounds, however, can be met simply by having a prior art search done, or by including a statement that the invention provides a benefit to health or safety.

In view of the above deficiencies, the petition is **DISMISSED**. It is suggested that applicant review MPEP 708.02 to see if applicant can meet any of the criteria necessary for granting special status and to resubmit the necessary fees/evidence in a renewed petition if special status is still desired.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



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snm/snm: 6/2/02